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Economic and Social Council

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Permanent Forum on Indigenous Issues
Thirteenth session
New York, 12-23 May 2014

Draft report

Rapporteur: Ms. Valmaine **Toki**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Economic and Social Council

1. The Permanent Forum on Indigenous Issues has identified the following proposals, objectives, recommendations and areas of possible future action and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum on Indigenous Issues

Special theme: "Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46"

3. Good governance must be achieved at the international, national, regional and local levels and applies to Governments as well as corporate organizations and other institutions, including the governments and institutions of indigenous peoples. Good governance consists of the following elements or principles, which are interlinked and mutually reinforcing: transparency; responsiveness; consensus-building; equity and inclusiveness; effectiveness and efficiency; accountability; participation; consultation and consent; human rights; and the rule of law. Good governance is

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about who has access to decision-making and authority with regard to lands, territories and resources that result in revenue and services to peoples.

4. Such principles are key aspects of good governance and yet indigenous peoples continue to face obstacles to exercising their rights in terms of substance, content and procedure. The rights of indigenous peoples must not be empty rights. The practice of good governance, as distinct from the principles, applies to authorities including lands, territories, resources, peoples and citizens, fiscal resources and services.

5. Indigenous peoples have suffered the consequences of exploitation, subjugation and domination by Governments across the globe. The sixth preambular paragraph of the United Nations Declaration on the Rights of Indigenous Peoples states that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their owns needs and interests". Such actions from the colonial era continue. Whether considered individually or as a whole, the elements or principles of good governance have been achieved by very few countries.

6. Despite that reality, indigenous peoples have demonstrated extraordinary examples of good governance, ranging from the Haudenosaunee to the National Congress of Australia's First Peoples. According to Haudenosaunee faithkeeper Oren Lyons, self-determination as the basis of good governance means that indigenous peoples are equal to all other peoples.

7. The Permanent Forum notes that there are examples of indigenous laws, traditions and customs that represent good governance. There are instances where States have worked with indigenous peoples to develop governance structures that improve service delivery to indigenous communities and where indigenous peoples are involved in every stage of the project design. Such instances emphasize the importance of indigenous participation in decision-making and the design of governance approaches. The Permanent Forum heard constructive examples from States, including from Nicaragua in relation to the autonomy of indigenous peoples on the Atlantic coast and from the Government of Denmark in the specific context of the right to self-determination of Greenland.

8. Failure to achieve good governance can have devastating consequences. According to the Economic and Social Commission for Asia and the Pacific, "bad governance is being increasingly regarded as one of the root causes of all evil within our societies."[1] Many examples of bad governance were cited by the Permanent Forum during its thirteenth session, in particular with regard to bureaucracy, such as Governments making decisions without indigenous participation or consultation, Governments making policy in centralized locations without input from indigenous peoples and the imposition of new policies and programmes without any notice. That can lead to disempowerment and a lack of identity. In particular, some States have policies that criminalize indigenous peoples when they exercise the right to the self-determination of their lands and territories.

[1] See www.unescap.org/sites/default/files/good-governance.pdf.

9. The theme of good governance must be considered from an integral view, such as the fact that indigenous peoples' own forms of government are based on their social, economic, political, cultural and spiritual organizations. Indigenous peoples' forms of governance are addressed within the framework of article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. Indigenous forms of governance must be supported as they often comply with indigenous peoples' identity, customs, rituals and principles of respect and rights to their territories and administration of natural resources. Indigenous governance should be incorporated in the broader debates of collective rights, including free, prior and informed consent.

10. The Permanent Forum calls on the entities of the United Nations system to collaborate with indigenous peoples in designing and implementing early warning systems to better ensure peace and security in their lands. That could include greater coordination between the Office of the Special Adviser on the Prevention of Genocide, the Office of the United Nations High Commissioner for Human Rights and indigenous peoples through their representative institutions.

11. The Permanent Forum recommends that the study on the situation of indigenous peoples and their participation in democratic societies and electoral processes in Latin America, under the United Nations Declaration on the Rights of Indigenous Peoples, be expanded to include the political and electoral participation of all indigenous peoples in democratic processes. In that regard, the Permanent Forum recommends that member Álvaro Pop and other members representing the following areas prepare their own studies to be presented at the fourteenth session of the Permanent Forum, in 2015: Latin America and the Caribbean (the Plurinational State of Bolivia), Arctic region (Alaska), Africa (Cameroon) and Asia (Bangladesh). The Permanent Forum also requests that the United Nations, particularly the United Nations Development Programme, provide support for developing those studies.

12. The Permanent Forum congratulates its member Edward John on his report entitled "Study on the impacts of the Doctrine of Discovery on indigenous peoples, including mechanisms, processes and instruments of redress" and reaffirms that all doctrines, including the doctrine of discovery, that advocate superiority on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust and should be repudiated in word and action.

Expert group meeting on the theme "Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples"

13. At its twelfth session, the Permanent Forum recommended that the Economic and Social Council authorize a three-day international expert group meeting on the theme "Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples". On 7 November 2013, at its reconvened substantive session, the Council authorized the international expert group meeting (decision 2013/259), with the following participants: members of the Permanent Forum, representatives of the United Nations system, other interested intergovernmental organizations, experts from indigenous peoples' organizations and interested Member States. The Council requested that the results of the meeting be reported to the Permanent Forum at its thirteenth session, in May

2014. In January 2014, the three-day expert group meeting was held at United Nations Headquarters.

14. Recognizing the central role of health as a precondition for economic and social development, the Permanent Forum reaffirms the right of indigenous peoples to the highest attainable standards of health, including sexual and reproductive health and reproductive rights, within the context of the International Conference on Population and Development, including access to health-care services for all without distinction. Over the past 20 years, the world has experienced remarkable progress in important areas concerning sexual and reproductive health. However, indigenous peoples are still disproportionately affected by many relevant problems, and little change has effectively occurred in their lives and well-being.

15. The United Nations Declaration on the Rights of Indigenous Peoples provides a comprehensive framework for addressing the gaps identified by participants at the expert group meeting. Those included the right to self-determination, the right to maintain and develop their own systems or institutions, the right to traditional medicines and health practices and the principle of free, prior and informed consent, which were all seen as cornerstones for the achievement of sexual and reproductive health and rights for indigenous peoples. Furthermore, the obligations of States to improve the situation of indigenous peoples, including their right to education, health care, food, water and sanitation, freedom from violence and discrimination, and decent work, were found to be mutually reinforcing and interdependent.

16. The Permanent Forum takes note of the report (E/C.19/2014/8) and recommendations of the expert group meeting and reiterates the recommendations contained in paragraphs 62, 64, 70 and 72 of the report, as set out below, which are specifically addressed to entities of the United Nations system.

17. In paragraph 70 of the report, the Permanent Forum recommends that it "should coordinate with the World Health Organization, the United Nations Population Fund and other relevant entities in the formulation of key intercultural standards and indicators of quality of care to be considered in the definition of a future post-2015 goal on universal health coverage that includes the sexual and reproductive health of indigenous peoples".

18. In paragraph 72 of the report, the Permanent Forum recommends that it "should coordinate with other agencies and actors on the development and implementation of an international research project on the sexual and reproductive health of indigenous peoples, ensuring an active partnership with indigenous peoples and organizations in all stages of the project. Such research would cover all areas included in the present report".

19. Considering their impact on the sexual and reproductive health and rights of indigenous peoples, the Permanent Forum calls, in paragraph 62 of the report, for "a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities".

20. The Permanent Forum recommends, in paragraph 64 of the report, that the relevant United Nations entities should "conduct a study, in partnership with indigenous peoples' organizations, that documents the linkage between environmental violence, including the operations of extractive industries, chemical

pollution and the destruction of the indigenous habitat, and the sexual and reproductive health of indigenous peoples, as well as issues pertaining to sexual exploitation, trafficking of indigenous girls and sexual violence, with concrete recommendations on protection measures".

21. The Permanent Forum recommends that the Joint United Nations Programme on HIV/AIDS, the United Nations Children's Fund and other relevant United Nations entities collaborate with indigenous organizations in all regions to develop comprehensive guidelines for culturally safe sex education best practices by and for indigenous peoples. That type of comprehensive education may serve as an effective violence-prevention means.

22. The Permanent Forum urges States to recognize and eliminate discrimination against indigenous peoples in relation to their sexual and gender identities. The Permanent Forum also calls on indigenous communities and States to support and uphold the right of indigenous young people to determine for themselves their own gender and sexual identity without fear and without the risk of discrimination or rejection from their communities. In addition, the United Nations system should work with indigenous young people to address homophobia and transphobia with a view to addressing the resulting issues of mental health, suicide and shame.

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Rapporteur: Ms. Valmaine **Toki**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

1. The Permanent Forum on Indigenous Issues has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

2. It is the understanding of the secretariat of the Permanent Forum that those proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

Recommendations of the Permanent Forum

3. At its sixth session, in 2007, the Permanent Forum held a half-day discussion on Asia and made a range of recommendations to Asian States as well as to the United Nations system and indigenous peoples themselves. The Forum expresses concern that most of those recommendations are yet to be implemented. At the same time, it appreciates the positive steps and developments in addressing the issues of indigenous peoples in Asia. These include the legal recognition of the Ainu as the indigenous people of Japan, the decision of the Constitutional Court of Indonesia recognizing the customary rights of indigenous peoples with regard to forests and the increased engagement and partnerships of national human rights institutions and agencies of the United Nations system with indigenous organizations and institutions.

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4. The Permanent Forum is also concerned by the increasing adverse impacts of climate change and by mitigation and adaptation measures such as large hydroelectric dams, nuclear power plants, biofuel plantations, windmills and geothermal plants, which are being built in indigenous territories without the free, prior and informed consent or the full and effective participation of indigenous peoples. Likewise, the economic investment plan of the Association of Southeast Asian Nations (ASEAN) does not take into account the overall well-being and rights of indigenous peoples. Instead of recognizing the human rights of indigenous peoples within the region, existing unsustainable development practices coupled with the ASEAN free trade agreements that are due to come into effect in 2015 will only serve to further marginalize indigenous peoples.

5. The Permanent Forum recommends that States establish mechanisms and processes for consistent dialogues and consultations with indigenous peoples in their countries on ways and means to foster better relationships and to enable indigenous peoples to exercise fully their civil, political, economic, social and cultural rights, in addition to other individual and collective human rights.

6. The Permanent Forum recommends that States immediately begin the process of demarcation of indigenous peoples' lands and territories in accordance with customary laws and the norms reflected in the United Nations Declaration on the Rights of Indigenous Peoples, with a view to further protecting indigenous peoples' lands and resources from expropriation, exploitation and designation as conservation areas or national parks without the free, prior and informed consent of indigenous peoples, as set out in articles 19, 26 and 27 of the Declaration.

7. The Permanent Forum recommends that States ensure that the territories of indigenous peoples in Asia be free of State military interventions and that military bases, camps and training centres established in indigenous territories without the free, prior and informed consent of indigenous peoples be removed immediately, consistent with articles 19 and 30 of the Declaration.

8. The Permanent Forum recommends that States ensure access to justice for indigenous peoples, including indigenous women, through formal justice institutions, national human rights institutions and other forms of redress or recourse, all while taking into account indigenous peoples' customary laws, institutions and processes, consistent with articles 21, 22 and 34 of the Declaration.

9. The Permanent Forum recommends that the ASEAN Intergovernmental Commission on Human Rights recognize the human rights of indigenous peoples in the ASEAN declaration on human rights and establish a working group on indigenous peoples. In addition, the Forum urges the South Asian Association for Regional Cooperation to establish a human rights commission and a working group on indigenous peoples.

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Comprehentive dialogue with United Nations agencies and funds

1. The Permanent Forum is concerned about the reduction in indigenous-specific funding for programmes and projects by United Nations agencies, funds and programmes, for example the depletion of resources of the voluntary fund of the World Intellectual Property Organization (WIPO) for accredited indigenous peoples and local community observers. The Forum recommends that such United Nations entities ensure substantial funding to support targeted programmes and projects for indigenous peoples consistent with article 41 of the United Nations Declaration on the Rights of Indigenous Peoples.

2. The Permanent Forum welcomes the important, technical *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security* of the Food and Agriculture Organization of the United Nations (FAO) and recommends that FAO and other agencies, in cooperation with indigenous peoples, organize a workshop on the implementation of these guidelines in order to strengthen indigenous peoples' rights to land, territories and resources consistent with articles 25, 26, 41 and 42 of the Declaration.

3. Alarmed at attempts to exclude indigenous peoples of Africa in the application of World Bank Operational Policy 4.1, the Permanent Forum recommends that the World Bank immediately initiate consultations with indigenous peoples in Africa as part of its safeguards policy review as directed by articles 19 and 41 of the Declaration.

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4. The Permanent Forum takes note of the concerns expressed by the African Indigenous Peoples Caucus on the announcement by the World Bank in February 2014 of its intention to map Africa's mineral resources by using satellites and airborne mineral surveys. The Forum calls upon the World Bank, African Governments, investor Governments and the private sector to disclose information about the "billion-dollar map" project, prior to any intervention and in a transparent manner, and requests that commitments to international norms and standards in relation to the rights of indigenous peoples be recognized and respected. The Forum also recommends that the World Bank involve indigenous peoples' representatives in the mapping process and that indigenous peoples' free, prior and informed consent be respected, consistent with articles 19 and 41 of the Declaration.

5. The Permanent Forum welcomes the study to examine challenges in the African region to protecting traditional knowledge, genetic resources and folklore prepared by Paul Kanyinke Sena (E/C.19/2014/2), acknowledges the support provided by the WIPO secretariat towards the completion of that study and, in this regard, calls upon the WIPO secretariat to extend its outreach and awareness-raising activities in respect of indigenous peoples, with a particular focus on African indigenous peoples so as to increase their awareness of WIPO processes, and to further develop culturally appropriate training and capacity-building materials for indigenous peoples consistent with article 41 of the Declaration.

6. The Permanent Forum recommends that the International Finance Corporation establish a mechanism of engagement with indigenous peoples in the context of its sustainability framework, including Performance Standard 7, on indigenous peoples.

7. The Permanent Forum takes note of the international campaign to end sex discrimination in nationality and citizenship laws to be launched in June 2014 under the auspices of a steering committee consisting of Equality Now, Equal Rights Trust, Tilburg University, the Office of the United Nations High Commissioner for Refugees and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The Forum therefore calls upon those Member States whose constitutional provisions and legislation require review, as a matter of urgency, to support this global campaign, consistent with the Declaration and the rights of indigenous women highlighted in articles 21 and 22.

8. The Permanent Forum recommends that United Nations agencies convene a high-level meeting with representatives of indigenous women to review the commitments and actions for securing the human rights of indigenous women highlighted in articles 21, 22 and 41 of the Declaration.

9. The Permanent Forum underscores the need to strengthen collaboration with UN-Women in order to finalize a road map, including concrete actions, and specific outcomes within their next strategic plan as well as to include indigenous women's priorities in global, regional and national programmes, consistent with articles 21, 22 and 41 of the Declaration.

10. The Permanent Forum recommends that the International Fund for Agricultural Development (IFAD) convene platforms of dialogue with countries, United Nations agencies and private sector actors to find solutions to improve the economic empowerment of indigenous peoples consistent with their cultural identity and diversity, as well as sustainable and equitable development. The Forum also recommends that specific indicators pertaining to the well-being of indigenous

peoples be systematically adopted in IFAD-funded projects implemented in accordance with article 41 of the Declaration.

11. The Permanent Forum recommends that United Nations agencies review their policies, which presently allow them to assist only indigenous peoples in developing countries, and to urgently revise such policies to ensure that all indigenous peoples, in both developed and developing countries, have access to resources, technical assistance and other support from all United Nations agencies and funds.

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Indigenous children and indigenous youth

1. Poverty and inequality are structural problems and the positive impacts of social policies are often not sufficient to reduce the disparities in access to human development opportunities for indigenous children and youth. Human development is the process of enlarging people's freedoms and opportunities and of improving their well-being. Owing to their marginalization, indigenous children and youth either do not have or struggle to have the opportunity to lead lives that they value or to improve their situation in order to have the chance to lead full lives.

2. The economic model of extractivism and social exclusion, in addition to historical factors of colonization and discrimination, is creating new gaps between indigenous children and youth and the rest of the population. The historical gaps have been aggravated by these new problems and require special attention.

3. It needs to be stated that the plight of children and youth in the African region is quite severe and that the situation of indigenous children and youth is even more critical because they are the primary victims of war, poverty, hunger, starvation, malnutrition and disease. Many indigenous children and youth make their way through life impoverished, abandoned, uneducated, malnourished, discriminated against, neglected and vulnerable. For them, life is a daily struggle for survival. For many, the concept of childhood as a time to grow, learn, play and feel safe is meaningless.

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4. The Permanent Forum acknowledges the efforts and initiatives of States and United Nations agencies to promote bilingual education, develop health programmes and provide skills to indigenous children and youth. In this regard, the Permanent Forum encourages States and United Nations agencies to increase their efforts in a targeted and wide-scale manner to respond to the needs and priorities of indigenous children and youth, especially in the areas of education and health, in a manner that is culturally sensitive and ensures their overall well-being consistent with articles 11, 14, 41 and 42 of the United Nations Declaration on the Rights of Indigenous Peoples.

5. The Permanent Forum acknowledges the entry into force on 14 April 2014 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In this regard, it recommends that the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, other United Nations agencies and States support the dissemination of the guide to this Optional Protocol, including its translation into different languages and the building of capacity among indigenous organizations and institutions to make effective use of the Optional Protocol in promoting and protecting the rights of indigenous children and youth.

6. The Permanent Forum urges States to generate statistics disaggregated by ethnicity, gender, indigenous identity, language skills and self-identification, and to provide the sources of data to allow for a more accurate assessment of whether indigenous children and youth are actually benefiting from the expenditure earmarked for them. The Permanent Forum also urges United Nations funds and programmes to support member States in generating statistics upon request and the United Nations agencies, funds and programmes and academic centres to produce a toolkit that provides a comprehensive and an accurate overview of human development indicators among indigenous children and youth.

7. The Permanent Forum further urges States to improve their collection of data on self-harm and suicide among indigenous children and youth, as well as on violence against indigenous women, boys and girls, to facilitate better understanding of the extent of the problem. States should commit to reducing the incidence of self-harm, violence and suicide among indigenous children and youth through the allocation of adequate resources to holistic prevention and support services, in partnership with indigenous peoples.

8. The Permanent Forum urges States to implement articles 11 and 13 of the Declaration on the Rights of Indigenous Peoples, in particular in relation to the practice and revitalization of indigenous peoples' languages, cultural traditions and customs as a way of building resilience and preventing self-harm, violence and suicide.

9. The Permanent Forum also urges States to fund and deliver training in suicide prevention and mental health awareness to all teaching and non-teaching staff in all indigenous schools. The development of localized training programmes adapted to each culture consistent with articles 11, 14, 15 and 31 should be encouraged.

10. The Permanent Forum further urges the General Assembly to proclaim an international year of the world's indigenous children and youth.

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Rapporteur: Ms. Valmaine **Toki**

Chapter II
Venue, dates and proceedings of the session

1. By its decision 2013/260, the Economic and Social Council decided that the thirteenth session of the Permanent Forum would be held at United Nations Headquarters from 12 to 23 May 2014.

2. At its 2nd to 5th meetings, on 12 to 14 May 2014, the Permanent Forum considered agenda item 3, "Special theme: 'Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46'". For its consideration of the item, the Forum had before it studies on the impacts of the Doctrine of Discovery on indigenous peoples, including mechanisms, processes and instruments of redress (E/C.19/2014/3), on best practices and examples in respect of resolving land disputes and land claims, including consideration of the National Commission on Indigenous Peoples (Philippines) and the Chittagong Hill Tracts Land Dispute Resolution Commission (Bangladesh) and the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights (E/C.19/2014/4), and on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples focusing on a voluntary mechanism (E/C.19/2014/7), the report of the international expert group meeting on the theme "Sexual health and reproductive rights: articles 21, 22 (1), 23 and 24 of the United Nations Declaration on the Rights of Indigenous Peoples" (E/C.19/2014/8) and information from States on addressing the recommendations of the Permanent Forum on Indigenous Issues (E/C.19/2014/10, also considered under items 4 (a) and 7). At its 16th meeting, on 23 May 2014, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

3. At its 11th and 12th meetings, on 20 May, the Forum considered agenda item 4, "Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the rights of

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indigenous peoples". At its 16th meeting, on 23 May, the Forum considered and adopted its recommendations submitted under agenda item 4 (see chap. I, sect. B).

4. At its 6th meeting, on 15 May, the Forum considered agenda item 5, "Half-day discussion on the Asian region". At its 16th meeting, on 23 May, the Forum considered and adopted its recommendations submitted under agenda item 5 (see chap. I, sect. B).

5. At its 9th and 10th meetings, on 19 May, the Forum considered agenda item 6, "Half-day discussion on the World Conference on Indigenous Peoples". At its 16th meeting, on 23 May, the Forum considered and adopted its recommendations submitted under agenda item 6 (see chap. I, sect. B).

6. At its 8th and 13th meetings on 16 and 21 May, the Forum considered agenda item 7, "Ongoing priorities and themes and follow-up: (a) Indigenous children; (b) Indigenous youth; (c) Second International Decade of the World's Indigenous Peoples; (d) Post-2015 development agenda". For its consideration of the item, the Forum had before it a report on the living conditions of indigenous children and adolescents in Mesoamerica and compliance with their rights (E/C.19/2014/5). At its 16th meeting, on 23 May, the Forum considered and adopted its recommendations submitted under agenda item 7 (see chap. I, sect. B).

7. At its 7th meeting, on 15 May, the Forum considered agenda item 8, "Comprehensive dialogue with United Nations agencies and funds". For its consideration of the item, the Forum had before it the report of the Inter-Agency Support Group on Indigenous Peoples' Issues annual meeting for 2013 (E/C.19/2014/9). At its 16th meeting, on 23 May, the Forum considered and adopted its recommendations submitted under agenda item 8 (see chap. I, sect. B).

8. At its 14th and 15th meetings, on 22 May, the Forum considered agenda item 9, "Future work of the Permanent Forum, including emerging issues". For its consideration of the item, the Forum had before it a note on the examination of the situation of indigenous peoples and their participation in democracies and electoral processes in Latin America under the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2014/6). At its 16th meeting, on 23 May, the Forum considered and adopted a draft decision and its recommendations submitted under agenda item 9 (see chap. I, sects. A and B).

9. At its 15th meeting, on 22 May, the Forum considered agenda item 10, "Draft agenda for the fourteenth session of the Permanent Forum". At its 16th meeting, on 23 May, the Forum considered and adopted a draft decision submitted under agenda item 10 (see chap. I, sect. A).

Chapter III
Adoption of the report of the Permanent Forum on its thirteenth session

10. At the 16th meeting, on 23 May, the Rapporteur introduced the draft decisions and recommendations and the draft report of the Permanent Forum on its thirteenth session.

11. At the same meeting, the Permanent Forum adopted its draft report, as orally revised.

Chapter IV
Organization of the session

A. Opening and duration of the session

12. The Permanent Forum held its thirteenth session at United Nations Headquarters from 12 to 23 May 2014. It held 16 formal meetings and 4 closed meetings to consider the items on its agenda.

13. At the 1st meeting, on 12 May, the session was opened by the Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs. At the opening ceremony, Tododaho Sid Hill, of the Onondaga Nation, delivered a welcoming address. The Secretary-General, the President of the General Assembly and the President of the Economic and Social Council delivered statements.

14. At the same meeting, statements were made by the Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs, the Chair of the Permanent Forum, the Governor-General of New Zealand and the Director General of the National Commission for the Development of Indigenous Peoples of Mexico.

B. Attendance

15. Members of the Forum and representatives of Governments, intergovernmental organizations and bodies, United Nations entities, and non-governmental and indigenous organizations attended the session. The list of participants is contained in document E/C.19/2014/INF/1.

C. Election of officers

16. At its 1st meeting, on 12 May, the Forum elected the following members of the Bureau by acclamation:

Chair:
Dalee Sambo Dorough

Vice-Chairs:
Mohammad Hassani Nejad Pirkouhi
Edward John
Gervais Nzoa
Maria Eugenia Choque Quispe

Rapporteur:
Valmaine Toki

D. Agenda

17. At its 1st meeting, on 12 May, the Forum adopted the provisional agenda as contained in document E/C.19/2014/1.

E. Documentation

18. A list of the documents before the Forum at its thirteenth session is contained in document E/C.19/2014/INF/2. Statements delivered during the session, where provided to the Secretariat, are available at http://papersmart.unmeetings.org.

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Rapporteur: Ms. Valmaine **Toki**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Human rights

1. The Permanent Forum congratulates James Anaya on the successful conclusion of his term as Special Rapporteur on the rights of indigenous peoples. The Forum reinforces the conclusions of the Special Rapporteur about the enlightened, pragmatic and optimistic approaches of the indigenous human rights movement. It also welcomes the recent appointment of Victoria Tauli-Corpuz as the Special Rapporteur on the rights of indigenous peoples and looks forward to working closely with her.

2. The Permanent Forum welcomes the presentations made by Wilton Littlechild on behalf of the Expert Mechanism on the Rights of Indigenous Peoples, by Francisco Cali, President of the Committee on the Elimination of Racial Discrimination, Soyata Maiga, on behalf of the African Commission on Human and Peoples' Rights, and Emilio Alvarez, Executive Secretary of the Inter-American Commission on Human Rights. The Forum also congratulates Mr. Cali and acknowledges his appointment as the first indigenous person to be appointed as President of a United Nations treaty body.

3. The Permanent Forum reiterates its previous relevant recommendations and recognizes the continuing need to review existing laws and constitutions based upon international human rights norms and standards, especially in relation to persistent forms of racial discrimination in the context of indigenous peoples.

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4. In accordance with article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum urges States to conduct an independent audit of their constitutional and other laws, policies and programmes in order to assess their consistency with the United Nations Declaration on the Rights of Indigenous Peoples and the International Convention on the Elimination of All Forms of Racial Discrimination, and to amend such laws, policies and programmes in order to remove all forms of discrimination. In particular, the Forum urges States to prioritize laws, policies and programmes that target hate speech and political and racial vilification.

5. The Permanent Forum acknowledges the continuing negotiations between the Nordic States and the Sami peoples towards the adoption of a Nordic Sami convention. The Forum recommends that the minimum international human rights standards contained in the United Nations Declaration on the Rights of Indigenous Peoples be the framework for all negotiations concerning the convention and the harmonizing of Sami rights within Nordic countries. It urges Nordic States to recognize and respect the Sami peoples' right to self-determination, to determine their own identity or membership of their institutions in accordance with their customs and their right not to be subjected to forced assimilation, consistent with articles 8 and 33 of the Declaration, the conclusions and recommendations of the Special Rapporteur on the rights of indigenous peoples and the Committee on the Elimination of Racial Discrimination (see CERD/C/FIN/CO/19, para. 13).

6. The Permanent Forum calls the attention of States to the need to create or strengthen national bodies with a mandate for the protection of the rights and interests of indigenous peoples in line with the United Nations Declaration on the Rights of Indigenous Peoples. The Forum notes the efforts of certain States to create institutions for the rights and interests of indigenous peoples as Government bodies, including ombudsmen who deal with issues and situations regarding the protection of the rights and interests of indigenous peoples. It recommends that other States draw upon such experiences which highlight the promotion and protection of the rights of indigenous peoples.

7. The Permanent Forum urges all Member States and United Nations agencies and country teams to initiate indigenous human rights training and education programmes in their institutions and activities, in particular the existing and emerging international jurisprudence on the human rights and standards contained in the Declaration on the Rights of Indigenous Peoples and their application and relevance at the national and local levels.

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Rapporteur: Ms. Valmaine **Toki**

Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Half-day discussion on the World Conference on Indigenous Peoples

1. At its thirteenth session, the Permanent Forum convened a one-day dialogue on the High-level Plenary Meeting/World Conference on Indigenous Peoples. The Forum acknowledges the emerging consensus on this important meeting as well as the other opinions on the matter. Notwithstanding the commitments made by the General Assembly in its resolution 66/296 on the organization of the Conference, the Forum is deeply concerned that the full, effective and equal participation of indigenous peoples in all processes leading to and including the High-level Plenary Meeting remains uncertain. Concern about this crucial principle and right was the basis for a small number of calls to cancel the Conference and numerous calls for clarification from the President of the General Assembly. Time is of the essence. Clear and decisive leadership by the President of the Assembly is required to proceed with preparations leading up to the Conference. The Forum recognizes that the outcome document of the Conference will form a critical and important foundation for the future of indigenous peoples and will therefore require the full attention of all parties to the Conference.

2. The Permanent Forum reiterates that the United Nations Declaration on the Rights of Indigenous Peoples is the normative framework for the High-level Plenary Meeting/World Conference on Indigenous Peoples, to be convened during the sixty-ninth session of the General Assembly. The provisions of resolution 66/296

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must be given the widest and most generous interpretation possible in order to achieve the full and effective participation of indigenous peoples.

3. The Permanent Forum welcomes the organization by the Sami Parliament of Norway of the Global Indigenous Preparatory Conference for the World Conference on Indigenous Peoples, held in Alta, Norway from 10 to 12 June 2013. Member States, the United Nations system and indigenous peoples are urged to consider the Alta Outcome Document (A/67/994, annex) as the basis for consultations on the elaboration of the outcome document of the High-level Plenary Meeting/World Conference on Indigenous Peoples.

4. The Permanent Forum reiterates that all decisions related to the High-level Plenary Meeting/World Conference on Indigenous Peoples, its arrangements and the development of the outcome document should be made with the full, equal and effective participation of indigenous peoples, as recognized by the General Assembly in its resolution 66/296, in the Alta Outcome Document and in several recommendations of the Forum (E/2011/43, paras. 122-123; E/2012/43, paras. 69 and 83; and E/2013/43, para. 85).

5. The Permanent Forum welcomes the efforts of the indigenous Global Coordinating Group to respond to the request of the President of the General Assembly as its sixty-eighth session, which concluded with the nomination of two indigenous advisers. The Forum urges the President of the sixty-eighth session to formalize their designation so as to start the consultation process on the High-level Plenary Meeting/World Conference on Indigenous Peoples as soon as possible, by June.

6. The Permanent Forum recommends that the President of the General Assembly take immediate steps to ensure the equal, direct and meaningful participation of indigenous peoples throughout all aspects and processes of the High-level Plenary Meeting/World Conference on Indigenous Peoples in order to achieve an inclusive, constructive and comprehensive outcome that will genuinely promote the full and effective implementation of the United Nations Declaration on the Rights of Indigenous Peoples (art. 18).

7. The Permanent Forum regrets the cancellation by the Government of Mexico of the March 2014 regional and thematic preparatory meeting on the High-level Plenary Meeting/World Conference on Indigenous Peoples owing to the lack of clarity on the process leading up to the Conference. The Forum recognizes that such a regional and preparatory meeting would be a good opportunity for Member States and indigenous peoples to build further consensus on the process and content of the Conference and its related meetings and discussions.

8. In relation to the preparation for the High-level Plenary Meeting/World Conference, the Permanent Forum welcomes the study entitled "Rights of indigenous peoples: achievements and challenges in the Latin American countries", prepared by the Economic Commission for Latin America and the Caribbean in collaboration with indigenous peoples and encourages States, agencies and regional commissions to undertake similar studies.

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Council

Recommendations of the Permanent Forum

Future work of the Permanent Forum, including emerging issues

1. The Permanent Forum appoints Maria Eugenia Choque Quispe, a member of the Forum, to conduct a study on traditional knowledge in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, bearing in mind that indigenous cultures and traditional practices contribute to sustainable development and environmental management.

2. The Permanent Forum, recalling the work of the Special Rapporteur on the rights of indigenous peoples and his reports on extractive industries, appoints [ ], a member of the Forum, to conduct a study on natural resource, energy and green energy development and related impacts on the rights of indigenous peoples, including rights respecting water, food and sovereignty, culture and the post-2015 development agenda.

3. The Permanent Forum appoints [ ] to conduct a study into cross-border issues, including recognition of the right of indigenous peoples to trade in goods and services across borders.

4. The Permanent Forum appoints [ ] to conduct a study on State efforts to convert indigenous land rights, title and tenure into non-indigenous property systems.

5. The Permanent Forum appoints [ ] to expand the study on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples

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(E/C.19/2014/7) to focus not only on land, territories and resource rights, but also on all the rights contained in the Declaration, in particular the rights to self-determination, self-government and autonomy. The study would take account of the issues raised at the thirteenth session of the Forum.

6. The Permanent Forum recommends that an optional protocol be one of the material outcomes of the World Conference on Indigenous Peoples, with the above-mentioned study potentially serving as the basis for the design of such an optional protocol.

7. The Permanent Forum appoints [ ] to conduct a study on the methods of work of the Forum, which will serve as a basis for the half-day discussion that it will hold at its fourteenth session.

8. The Permanent Forum appoints Álvaro Pop, a member of the Forum, to undertake a study on the situation of indigenous children with disabilities in rural areas of Mesoamerica, to be submitted at its fourteenth session. The study would build on and complement the findings of previous studies undertaken by members of the Forum (see E/C.19/2014/5 and E/C.19/2013/6).

9. The Permanent Forum appreciates the contribution and support of United Nations agencies at the country level through their evaluation of the status of implementation in Latin America of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with articles 41 and 42 of the Declaration. The Forum encourages United Nations agencies to replicate this practice in other regions and countries and invites States to take into account the findings in the development of their policies and programmes.

10. The Permanent Forum, in accordance with articles 13 and 14 of the United Nations Declaration on the Rights of Indigenous Peoples, recommends that States review the official histories of their countries and their national curricula to include heroes and personalities of indigenous peoples from their perspective.

11. Where genocide and/or mass violations of the human rights of indigenous peoples have occurred, the Permanent Forum recommends that States assume their responsibilities to ensure, through relevant post-conflict mechanisms, that such atrocities are prevented in the future.

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

A. Draft decisions recommended by the Permanent Forum for adoption by the Council

The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

Draft decision I
International expert group meeting on the theme "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples"

The Economic and Social Council decides to authorize an international expert group meeting on the theme "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous People", to be based on the study prepared on that topic (E/C.19/2014/7) and having a focus on land, territories and resource rights, together with all of the rights contained in the Declaration, in particular the right to self-determination, self-government and autonomy, as well as issues raised at the thirteenth session of the Permanent Forum on Indigenous Issues.

Draft decision II
Venue and dates of the fourteenth session of the Permanent Forum

The Economic and Social Council decides that the fourteenth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters, in New York, from 20 April-1 May 2015.

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Draft decision III
Report of the Permanent Forum on Indigenous Issues on its thirteenth session and provisional agenda for its fourteenth session

The Economic and Social Council,

(a) Takes note of the report of the Permanent Forum on Indigenous Issues on its thirteenth session;

(b) Approves the provisional agenda for the fourteenth session of the Permanent Forum as set out below:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up on the recommendations of the Permanent Forum:
   (a) Outcome of the high-level plenary meeting also known as the World Conference on Indigenous Peoples;
   (b) Post-2015 development agenda;
   (c) Youth, self-harm and suicide.
4. Half-day discussion on the Pacific region.
5. Half-day discussion on the expert group meeting on the theme "Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous People".
6. Comprehensive dialogue with United Nations agencies and funds.
7. Human rights:
   (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
   (b) Dialogue with the Special Rapporteur on the rights of indigenous peoples and the Chair of the Expert Mechanism on the Rights of Indigenous Peoples.
8. Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues.
9. Draft agenda for the fifteenth session of the Permanent Forum.
10. Adoption of the report of the Permanent Forum on its fourteenth session.

Draft decision IV
Change of name of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that further discussion is needed on the change of name of the Permanent Forum on Indigenous Issues to the Permanent Forum on the Rights of Indigenous Peoples.

Draft decision V
Additional one-day meeting

The Economic and Social Council decides that a one-day meeting will be organized for members of the Permanent Forum on Indigenous Issues to discuss methods of work. The one-day meeting will be in addition to the meetings already planned for the fourteenth session of the Permanent Forum and is to be organized without any budgetary implications.